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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,962	01/05/2004	Tian-Ming Lee	MR2549-66	2034

4586 7590 06/20/2005

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3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER
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MILLS, DANIEL J

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,962

Applicant(s)

LEE, TIAN-MING

Examiner

Daniel J. Mills

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-5-2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thyu (US 5,433,552).

As to claim 1, Thyu discloses a positioning device comprising a knob (61) having a receiving tube (611) extending from a first side thereof and a positioning tube (shown receiving 62 in figure 4) extending from the first side of the knob and enclosed by the receiving tube, the positioning tube having a first engaging portion (shown engaging the circumferential groove of 62 in figure 4) in an inner periphery thereof; a connection member (63) having a first end (631) received in the receiving tube and a passage (633) defined in the connection member, a spring (64) received in the passage and a first end of the spring (40) being stopped by a first flange (shown engaging the end of the spring at numeral 633 in figure 4) extending from an inner periphery in the passage, and a rod (65) having a second engaging portion (651) defined in an outer periphery of a first end thereof and a stepped shoulder (at the end of 652 engaging the spring) defined in the outer periphery of the rod, the spring mounted to the rod and a second end of the spring being engaged with the stepped shoulder, the rod inserted in the passage of the receiving tube and the first end of the rod being movably inserted in the positioning

Art Unit: 3679

tube, the first engaging portion being engaged with the second engaging portion (the circumferential groove of 62; 62 is an integrally connected component of the rod 65), a second end of the rod extending from a distal end of the connection member.

As to claim 2, Thyu discloses a positioning device as above wherein the first engaging portion (shown engaging the circumferential groove of 62 in figure 4) is a flange extending inward from the inner periphery of the positioning tube (shown receiving 62 in figure 4) and the second engaging portion (62) is a groove defined in the outer periphery of the rod (62 is an integrally connected component of the rod 65).

As to claim 3, Thyu discloses a positioning device as above further comprising at least one slit (62 is shown to have splines in figure 3 which must be received by a likewise splined positioning tube) defined longitudinally in the positioning tube (shown receiving 62 in figure 4) so that the positioning tube is composed of at least two expandable pawls (clearly this is the case as the splines divide the first engaging portion into many more than two pawls).

As to claim 6, Thyu discloses a positioning device wherein the first engaging portion (shown engaging the circumferential groove of 62 in figure 4) is a flange extending inward from the inner periphery of the positioning tube (shown receiving 62 in figure 4) and the rod (65) includes a section that is sized to be inserted through a space enclosed by the flange of the first engaging portion and the first end of the rod (62) is an enlarged head that is stopped by the first engaging portion.

As to claim 7, Thyu discloses a positioning device wherein the connection member (63) includes a section of threaded outer periphery.

Art Unit: 3679

As to claim 8, Thyu discloses a positioning device wherein the receiving tube (611) has a polygonal inner periphery and the first end of the connection member (63) has a polygonal ("having many sides" as defined by the American heritage dictionary) outer periphery, which is engaged with the polygonal inner periphery of the receiving tube (611).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thyu in view of Neumann (US 6,854,919).

As to claim 4, Thyu discloses a positioning device wherein the first engaging portion (shown engaging the circumferential groove of 62 in figure 4) is a flange extending inward from the inner periphery of the positioning tube (shown receiving 62 in figure 4), the second engaging portion (the circumferential groove of 62) being a groove that is shaped to compensate the first engaging portion.

Thyu fails to disclose an engaging portion that includes two opposite sides, one of the two opposite sides being a flat side that is perpendicular to the inner periphery of the positioning tube and the other one of the two opposite sides being a curved side.

Neumann teaches an arrangement including an engaging portion that includes two opposite sides, one of the two opposite sides being a flat side (the edge of 40 perpendicular to the axis of the shaft (16) that is perpendicular to the inner periphery of the positioning tube and the other one of the two opposite sides being a curved side (42) for the purpose of resisting separation because of the engagement of the flat sides of the engagement portion. Accordingly, it would have been obvious to one having ordinary skill in the inserted tube connection art at the time of applicant's invention to modify the arrangement as disclosed by Thyu to include an engaging portion with a flat side and curved side, as taught by Neumann to better resist separation of the rod and knob.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thyu.

As to claim 5, Thyu discloses a positioning device wherein the first engaging portion (shown engaging the circumferential groove of 62 in figure 4) is a flange extending inward defined in the inner periphery of the positioning tube (shown receiving 62 in figure 4) and the second engaging portion (the circumferential groove of 62) is a groove in the periphery of the rod (65), this is the reverse of that which is disclosed in claimed 5. However, it has been held that the reversal of components in a prior art reference is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). Therefore, it would have been an obvious reversal of parts to reverse the positioning such that the first engaging portion is a groove defined in the inner periphery of the positioning tube (shown receiving 62 in figure 4) and the second engaging portion (the

Art Unit: 3679

circumferential groove of 62) is a flange extending outward in the periphery of the rod (65). This would have been obvious because such reversal of parts would have yielded engaging portions fitting together in the same way (ie a flange fitting inside a groove) and offering the same functionality as that disclosed in Thyu, and as such, this practice is a design consideration within the skill of the art.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodawold (US 20030163903), Howie (US 5,845,365), Zeringu (US 5,551,124), Gorsek (US 4,779,305) are cited for pertaining to positionable handles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM

DJM  
5-31-2005

*Daniel P Stodola*

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